## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

PULMAN JAMES BANNER, et al. *Plaintiffs* 

-VS-

BALFOUR BEATTY COMMUNITIES LLC, et al.

**Defendants** 

SA-21-CV-00550-XR

## AMENDED ORDER OF DISMISSAL WITHOUT PREJUDICE

On this date, the Court considered the status of this case. Having apparently reached a settlement with Defendants, Plaintiffs Gilbert Northup and Zakiyah Northup, each individually and as next friends of their minor children, G.N. and L.P., filed an unopposed motion to voluntarily dismiss their claims without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) (ECF No. 80), which the Court granted (ECF No. 81). On reconsideration, the Court issues the following amended order.

The motion (ECF No. 80) is **GRANTED IN PART** with respect to Gilbert and Zakiyah Northup's individual claims and **DENIED IN PART** with respect to their claims as next friends of their minor children. All claims brought by Plaintiffs Gilbert Northup and Zakiyah Northup, individually, against all Defendants are **DISMISSED WITHOUT PREJUDICE**, with each party to bear its own fees and costs.

Because the dismissal of the Northups' claims involves the settlement of claims on behalf of minors, the Court **ORDERS** the parties to file a motion for the appointment of a Guardian Ad Litem to represent and protect the interests of the minor Plaintiffs no later than March 24, 2023,

or seek an extension of time in which to do so. The parties shall submit the report of the Guardian Ad Litem within 60 days of such appointment or seek an extension of time in which to do so.

It is so **ORDERED**.

**SIGNED** this 23rd day of January, 2023.

XAVIER RODRIGUEZ

UNITED STATES DISTRICT JUDGE